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MATERIA MERCANDA AND AND AN ARMANA
 Washington of Court
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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKLUNG	CONFIRMATION NO
09 834,243	04/12/2001	Jiminy A. Tatum	M40 26493-04 US	5859
(28 75)	90 01 28 2003			
HONEYWELL INTERNATIONAL INC. 101 COLUMBIA ROAD P O BOX 2245			FAAMINER	
			LE, QUE TAN	
MORRISTOWS	N. NJ - 07962-2245		ARTUNII	PAPER NUMBER
			2878	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.

09/834 243

plicant(s) TATUM ET AL

Office Action Summary

Examiner

Art Unit

Que T Le

2878

- -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --Period for Reply

## A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1 136(a). In no event, however, may a reply be timely filled
- after SiX (6) MONTHS from the mailing date of this communication
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely It NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133)

2a) This a  3) Since close  Close  Disposition of C  4) Claim(  4a) Of  5) Claim(	d in accordance with the pr Claims s) <u>1-14</u> is/are pending in th	2b) This action is non-final. tion for allowance except for formal matters, prosecution as to the merits ractice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.
2a) This a  3) Since close close Disposition of C  4) Claim(  4a) Of  5) Claim(	action is <b>FINAL</b> .  It this application is in condited in accordance with the proclaims  s) 1-14 is/are pending in the above claim(s) is  s) is/are allowed.	2b) This action is non-final.  tion for allowance except for formal matters, prosecution as to the merits ractice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  the application.
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Disposition of 0 4)⊠ Claim( 4a) Of 5)⊡ Claim(	Claims s) <u>1-14</u> is/are pending in the above claim(s) is s) is/are allowed.	he application.
4)  Claim( 4a) Of 5)  Claim(	s) <u>1-14</u> is/are pending in the above claim(s) is s) is/are allowed.	
4a) Of 5) Claim(	the above claim(s) is	
5) Claim(	s)is/are allowed.	
o, orann(	o,	
7) Claim(	s) is/are objected to	
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Application Par	· <del></del>	iotion anazor election requirement.
· · _ ·	ecification is objected to by	the Examiner.
•		re a) accepted or b) objected to by the Examiner.
		objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a)
		iled onis: a) approved b) disapproved by the Examiner
•		required in reply to this Office action
12) The oat	h or declaration is objected	I to by the Examiner.
Priority under 3	5 U.S.C. §§ 119 and 120	
13) Ackno	 wledgment is made of a cla	aim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f)
	b)	
1. 🗀		ity documents have been received
2. 🗍 (	Certified copies of the priori	ity documents have been received in Application No
3	Copies of the certified copie application from the Inte	es of the priority documents have been received in this National Stage ernational Bureau (PCT Rule 17.2(a)).
* See the	attached detailed Office ac	ction for a list of the certified copies not received.

Attachment(s)

Notice of References Lifed (P.1) In Killing

to the control of the

 $4^{-\frac{1}{2}}\frac{1}{2}$  , where explicitly mark  $4.7^{\circ}$  ,  $41.5^{\circ}$  Flagrents is April 1984 Annie 1984 and Amerikaansk Stage (\* 1984) Annie 1984 annie 1984 Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-9, drawn to an optical sensing system for detecting target motion in which the target characteristics are determined based on signals from the detector, the stored data and the signal from an analysis module, classified in class 250, subclass 221.
- II. Claims 10-14, drawn to a method for detecting the motion of an object or target in which the motion of the target or object is determined by comparing the characteristics of emitted laser signals with the characteristics of signals received by a detector, classified in class 250, subclass 221.

The inventions are distinct, each from the other because:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case each of the inventions I and II can be practiced differently and/or can be used in a materially different process of using as stated above.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Que T. Le whose telephone number is (703) 308-4830.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Que T Le

Primary Examiner

Art Unit 2878